

## FINAL APPROVAL/OAL ACTION

The final package was filed with OAL on May 15, 2003. OAL approved the rulemaking and filed it with the Secretary of State on June 17, 2003. The regulation will become effective on July 16, 2003. The regulations approved by OAL reflect a few nonsubstantial modifications to the following documents submitted to OAL on May 15, 2003. Final Regulation Order: (revised 6/16/03)

### FINAL REGULATION ORDER: AIRBORNE TOXIC CONTROL MEASURE TO LIMIT SCHOOL BUS IDLING AND IDLING AT SCHOOLS

Adopt new Chapter 10 – Mobile Source Operational Controls, Article 1 – Motor Vehicles, Section 2480, title 13, California Code of Regulations (CCR) to read as follows:

Section 2480. Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools.

(a) **Purpose.** This airborne toxic control measure seeks to reduce public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) **Applicability.** Except as provided in subsection (d), this section applies to the operation of every school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other commercial motor vehicle as defined in subsection (h).

(c) **Idling Control Measure.**

- (1) A driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle:
  - (A) must turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school, and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or from within 100 feet of a school; and
  - (B) must not cause or allow a bus or vehicle to idle at any location greater than 100 feet from a school for:
    - (i) more than five consecutive minutes; or
    - (ii) a period or periods aggregating more than five minutes in any one hour.
- (2) A driver of a transit bus or of a commercial motor vehicle not identified in (c)(1):

- (A) must turn off the bus or vehicle engine upon stopping at a school and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school; and
  - (B) must not cause or allow a bus or vehicle to idle at any location within 100 feet of, but not at, a school for:
    - (i) more than five consecutive minutes; or
    - (ii) a period or periods aggregating more than five minutes in any one hour.
- (3) A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:
- (A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
  - (B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(1) are reviewed and remedial action is taken as necessary; and
  - (C) records of (3) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.
- (4) A motor carrier of a transit bus or of a commercial motor vehicle not identified in (c)(1) must ensure that:
- (A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
  - (B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(2) are reviewed and remedial action is taken as necessary; and
  - (C) records of (4) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(d) **Exemptions**

This section does not apply for the period or periods during which:

- (1) idling is necessary while stopped:
  - (A) for an official traffic control device;

- (B) for an official traffic control signal;
  - (C) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic; or
  - (D) at the direction of a peace officer;
- (2) idling is necessary to ascertain that the school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
- (3) idling is necessary for testing, servicing, repairing, or diagnostic purposes;
- (4) idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged diesel engine before turning the engine off;
- (5) idling is necessary to accomplish work for which the vehicle was designed, other than transporting passengers, for example:
  - (A) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;
  - (B) controlling cargo temperature; or
  - (C) operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;
- (6) idling is necessary to operate:
  - (A) a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or
  - (B) a heater or an air conditioner of a bus or vehicle that has, or will have, one or more children with exceptional needs aboard;
- (7) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to ensure the safety or health of the driver or passengers, or as otherwise required by federal or State motor carrier safety regulations; or
- (8) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric bus or vehicle.

(e) **Relationship to Other Law**

Nothing in this section allows idling in excess of other applicable law, including, but not limited to:

- (1) Title 13 California Code of Regulations Section 1226;
- (2) Vehicle Code Section 22515; or
- (3) any local ordinance or requirement as stringent as, or more stringent than, this section.

(f) **Penalties**

- (1) For each violation of subsection (c)(1), a driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (2) For each violation of subsection (c)(2), a driver of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (3) For each violation of subsection (c)(3), a motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (4) For each violation of subsection (c)(4), a motor carrier of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

- (g) **Enforcement.** This section may be enforced by the Air Resources Board, peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts.

(h) **Definitions.**

The following terms are defined for the purposes of this section:

- (1) **Children With Exceptional Needs.** "Children with exceptional needs" means children meeting eligibility criteria described in Education Code Section 56026.

- (2) Commercial Motor Vehicle. "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, with the following exceptions:
  - (A) a zero emission vehicle; or
  - (B) a pickup truck defined in Vehicle Code Section 471.
- (3) Driver. "Driver" means any person who drives or is in actual physical control of a vehicle.
- (4) General Public Paratransit Vehicle. "General public paratransit vehicle" means any motor vehicle defined in Vehicle Code Section 336, other than a zero emission general public paratransit vehicle, that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities.
- (5) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (6) Hybrid Electric Bus or Vehicle. "Hybrid electric bus or vehicle" means any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle equipped with at least the following two sources of motive energy on board:
  - (A) an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and
  - (B) one of the following:
    - (i) an internal combustion engine;
    - (ii) a turbine; or
    - (iii) a fuel cell.
- (7) Idling. "Idling" means the engine is running while the bus or vehicle is stationary.
- (8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle who operates or directs the operation of any such bus or vehicle on either a for-hire or not-for-hire basis.

- (9) Motor Truck. "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (10) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.
- (11) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- (12) School. "School" means any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12<sup>th</sup> grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.
- (13) School Bus. "School bus" means any school bus defined in Vehicle Code Section 545, except a zero emission school bus.
- (14) School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.
- (15) Transit Bus. "Transit bus" means any bus defined in Vehicle Code Section 642, except a zero emission transit bus.
- (16) Youth Bus. "Youth bus" means any bus defined in Vehicle Code Section 680, except a zero emission youth bus.
- (17) Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Commercial Motor Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle" means any bus or vehicle certified to zero-emission standards.

Authority Cited: Sections 39600, 39601, 39658, 39667, 39674, Health and Safety Code; Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist. (1975) [14 Cal.3d.411].

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42403.5, Health and Safety Code; Section 27153, Vehicle Code.